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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,907	07/31/2003	Atsushi Miki	1083.1094	9616

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,907

Applicant(s)

MIKI ET AL.

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/31/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 7-8 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray (Patent No. 6,192,257) in view of Hayashi et al. (Patent No. 6,321,094).

Consider **claims 1, 2, 9 and 16**, Ray teaches an image transmitting method/Computer program for storing image data captured from an image capturing unit of an image transmitter in a storage unit, reading the stored image data and transmitting the read image data from a communication section to a mobile phone having a display section (Abstract, C3, L6-L39, C5, L8-L26)), comprising the steps of: pre-storing identification information given to the mobile phone in the storage unit (C5, L26). Ray teaches the limitation of claim as discuss **but fail to teach** determining whether or not a connection is established between the communication section and the mobile phone; requesting the mobile phone to obtain identification information given to the mobile phone, if it is determined that the connection is established; determining

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whether or not the pre-stored identification information in the storage unit and the identification information obtained in the requesting step match; and reading the image data stored in the storage unit and transmitting the image data to the mobile phone, if it is determined in the determining step that the identification information matches.

In an analogous art, Hayashi teaches "Access Method Through Radio Mobile Communication System". Further, Hayashi teaches determining whether or not a connection is established between the communication section and the mobile phone; requesting the mobile phone to obtain identification information given to the mobile phone, if it is determined that the connection is established; determining whether or not the pre-stored identification information in the storage unit and the identification information obtained in the requesting step match; and reading the image data stored in the storage unit and transmitting the image data to the mobile phone, if it is determined in the determining step that the identification information matches (Abstract, C2, L4-18, C3, L35-67, C4, L1-28).

Therefore, It would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Ray and Hayashi system, such that image transmitting, storing image data, determine/identification of mobile phone before transmitting/connection, to provide means for verifying or identify the mobile phone are allow to receive images.

Consider **claims 3 and 10**, Hayashi teaches the image transmitter wherein the processor is further capable of performing the step of prohibiting a transmission of the image data stored in the storage unit to the mobile phone, if it is determined in the

determining step that the identification information does not match (C3, L29-32, Fig.3, No.201, Illustrate processor which control the authorization means as performing the step of prohibiting a transmission).

Consider **claims 4 and 11**, Hayashi teaches the image transmitter wherein the processor is further capable of performing: an image processing step of performing image processing on the image data stored in the storage unit, if it is determined in the determining step that the identification information does not match; and the step of transmitting the image data on which the image processing was performed in the image processing step to the mobile phone (C3, L35-50, C4, L15-28).

Consider **claims 5 and 12**, Hayashi teaches the image transmitter wherein the processor is further capable of performing the step of providing information indicating that the identification information does not match, if it is determined in the determining step that the identification information does not match (C3, L22-33, C4, L33-57).

Consider **claim 6**, Ray teaches the image transmitter wherein the identification information is a phone number, an electronic mail address, a password, a model code, or a serial number of the mobile phone (C4, L44-51, C8, L33-50).

Conclusion

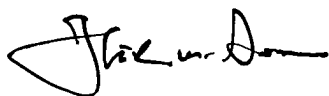
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



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